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9

10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Default Against:

Case No. 2008-149

13 **TRACY RENÉ ONAT**  
14 1400 Lake Washington Boulevard N.  
Apartment C 311  
15 Renton, WA 98056

**DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

16 Registered Nurse License No. 630087

17 Respondent.  
18

19 **FINDINGS OF FACT**

20 1. On or about November 5, 2007, Complainant Ruth Ann Terry, M.P.H.,  
21 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs, filed Accusation No. 2008-149 against Tracy René Onat, also  
23 known as Tracy Onat ("Respondent") before the Board of Registered Nursing ("Board").

24 2. On or about December 12, 2003, the Board issued Registered Nurse  
25 License Number 630087 to Tracy René Onat, also known as Tracy Onat ("Respondent"). The  
26 registered nurse license expired on January 31, 2005.

27 3. On or about November 9, 2007, Araceli Mercado, an employee of the  
28 Office of the Attorney General, served by Certified Mail and by First Class Mail a copy of

1 Accusation No. 2008-149, Statement to Respondent, Notice of Defense, Request for Discovery,  
2 and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record  
3 with the Board, which was and is, 1400 Lake Washington Boulevard N., Apartment C 311,  
4 Renton, WA 98056. A copy of the Accusation, the related documents, and Declaration of  
5 Service are attached as **Exhibit A**, and are incorporated herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the  
7 provisions of Government Code section 11505, subdivision (c).

8 5. On or about November 13, 2007, the aforementioned documents were  
9 returned by the U.S. Postal Service marked "Attempted Not Known". Copies of the envelopes  
10 returned by the United States Post Office are attached hereto as **Exhibit B**, and are incorporated  
11 herein by reference.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the  
14 respondent files a notice of defense, and the notice shall be deemed a specific  
15 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
16 of defense shall constitute a waiver of respondent's right to a hearing, but the  
17 agency in its discretion may nevertheless grant a hearing.

18 7. Respondent failed to file a Notice of Defense within 15 days after service  
19 upon her of the Accusation, and has therefore waived her right to a hearing on the merits of  
20 Accusation No. 2008-149.

21 8. California Government Code section 11520, subdivision (a) states, in  
22 pertinent part:

23 If the respondent either fails to file a notice of defense or to appear at the  
24 hearing, the agency may take action based upon the respondent's express  
25 admissions or upon other evidence and affidavits may be used as evidence without  
26 any notice to respondent.

27 9. Pursuant to its authority under Government Code section 11520, the Board  
28 finds Respondent is in default. The Board will take action without further hearing and, based on  
Respondent's express admissions by way of default and the evidence before it, contained in  
**Exhibits A and B**, finds that the allegations in Accusation No. 2008-149 are true.

///

1                   10.     The total costs for investigation and enforcement are \$393.00 as of  
2     December 14, 2007.

3                                   **DETERMINATION OF ISSUES**

4                   1.     Based on the foregoing findings of fact, Respondent Tracy René Onat has  
5     subjected her Registered Nurse License No. 630087 to discipline.

6                   2.     A copy of the Accusation and the related documents and Declaration of  
7     Service are attached.

8                   3.     The Board has jurisdiction to adjudicate this case by default.

9                   4.     The Board is authorized to revoke Respondent Tracy René Onat's  
10    registered Nurse License No. 630087 based upon violation of Business and Professions Code  
11    section 2761, subdivision (a)(4) (out-of-state discipline), alleged in the Accusation.

12                                   **ORDER**

13                   **IT IS SO ORDERED** that Registered Nurse License No. 630087, heretofore  
14    issued to Respondent Tracy René Onat, also known as Tracy Onat, is revoked.

15                   Pursuant to Government Code section 11520, subdivision (c), Respondent may  
16    serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
17    within seven (7) days after service of the Decision on Respondent. The Board in its discretion  
18    may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
19    statute.

20                   This Decision shall become effective on March 27, 2008.

21                   It is so ORDERED February 27, 2008

22  
23                                   *LaTranene W Tate*

24                                   FOR THE BOARD OF REGISTERED NURSING  
                                  DEPARTMENT OF CONSUMER AFFAIRS

25    Attachments:

26    Exhibit A:     Accusation No.2008-149, Related Documents, and Declaration of Service  
27    Exhibit B:     Copies of Envelopes Returned by Post Office

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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-149

13 **TRACY RENÉ ONAT**  
14 1400 Lake Washington Boulevard N.  
Apartment C 311  
15 Renton, WA 98056

**A C C U S A T I O N**

16 Registered Nurse License No. 630087

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
23 ("Board"), Department of Consumer Affairs.

24 2. On or about December 12, 2003, the Board issued Registered Nurse  
25 License Number 630087 to Tracy René Onat, also known as Tracy Onat ("Respondent"). The  
26 registered nurse license expired on January 31, 2005.

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1 *Credential No. RN00134548*, (attached hereto as **Exhibit A**), the State of Washington,  
2 Department of Health, Nursing Care Quality Assurance Commission placed Respondent's  
3 Washington Registered Nurse License, No. RN00134548 on indefinite suspension for two years,  
4 with reinstatement thereafter only upon satisfactory evidence that Respondent is clean and sober  
5 for two consecutive years.

6 **PRAYER**


7 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
8 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 630087, issued  
10 to Tracy René Onat, also known as Tracy Onat;

11 2. Ordering Tracy René Onat, also known as Tracy Onat, to pay the Board of  
12 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
13 pursuant to Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 11/5/07

17  
18   
19 RUTH ANN TERRY, M.P.H., R.N.  
20 Executive Officer  
21 Board of Registered Nursing  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

25 03579110-SA2007102457

26 Onat.Acc.wpd

27 bc [10/17/2007]

## **EXHIBIT A**



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: TRACY ONAT

Docket No.: 07-03-A-1072RN

Document: FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL  
ORDER OF DEFAULT

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.56.360 (Public Records Disclosure) and RCW 70.02.020 (Medical Records – Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center  
P.O. Box 47865  
Olympia, WA 98504-7865  
Phone: (360) 236-4700  
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.

23<sup>rd</sup> day of July, 2007

*Sibylle Oatney* Public Disclosure Coordinator  
Signature, Authorized Representative

Sibylle Oatney

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of

**TRACY ONAT**  
Credential No. RN00134548

Respondent

**Docket No. 07-03-A-1072RN**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
FINAL ORDER OF DEFAULT  
(Failure to Respond)**

This matter comes before the Health Law Judge, Presiding Officer for Final Order of Default. Based on the record, the Presiding Officer, on designation by the Nursing Care Quality Assurance Commission (Commission), now issues the following:

**1: FINDINGS OF FACT**

1.1 On August 3, 1999, the state of Washington issued Respondent a credential to practice as a Registered Nurse. Respondent's credential is currently active.

1.2 The Commission has filed the Declaration of Mary Dale, Health Service Consultant with attached exhibits.

1.3 On or about November 16, 2006, the Nursing Care Quality Assurance Commission entered a Stipulation to Informal Disposition, In the matter of the License to Practice as a Registered Nurse of Tracy Onat, in Docket No. 06-10-A-1033RN (Stipulation). The Stipulation required Respondent to comply with the following provision:

A. Respondent shall seek a substance abuse evaluation through the Washington Health Professional Services (WHPS) program and then, if recommended, enter and comply with all aspects of WHPS. If Respondent fails to cooperate with WHPS during the initial substance abuse evaluation or comply with any aspect of the Commission thereafter, it will be a violation of this Stipulation to Informal Disposition and may result in the Commission taking further disciplinary action against Respondent's credential. Respondent must contact the WHPS program and begin the evaluation process on or before fourteen (14) days

**ORIGINAL**

from the effective date of this Stipulation to Informal Disposition. Respondent shall sign a release that allows the WHPS program to provide the Commission monitoring records and/or reports pertaining to her participation in the program. Stipulation at Paragraph 2.1.

1.4 On or about October 27, 2006, Respondent signed [REDACTED]

[REDACTED]

1.5 On or about January 5, 2007, [REDACTED] sent a letter to Respondent stating that she was out of compliance with [REDACTED]. A deadline of January 15, 2007, was given for Respondent to comply.

1.6 On or about January 9, 2007, the Nursing Care Quality Assurance Commission sent a letter to Respondent stating that she was out of compliance. A deadline of January 23, 2007, was given for Respondent to comply with the Stipulation.

1.7 On January 26, 2007, the [REDACTED] sent a memorandum to Adena Nolet, compliance officer, stating that Respondent's file was being closed due to her non-compliance with her contract. Respondent failed to [REDACTED]

[REDACTED]

[REDACTED] Finally, [REDACTED] was notified that Respondent had access to – and was suspected of diverting – controlled substances at her place of employment.

1.8 The Nursing Care Quality Assurance Commission has not received a response from Respondent.

1.9 On April 24, 2007, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND FINAL ORDER OF DEFAULT (Failure to Respond)  
DOCKET NO. 07-09-A-1072RN

PAGE 2 OF 6

- A. Statement of Charges;
- B. Notice of Opportunity for Settlement and Hearing;
- C. Answer to Statement of Charges and Request for Settlement and Hearing;
- D. Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

1.10 The Answer to the Statement of Charges was due in the Adjudicative Service Unit by May 14, 2007.

1.11 To date, the Adjudicative Service Unit has not received an answer to the Statement of Charges. On May 17, 2007, the Adjudicative Service Unit issued a Notice of Failure to Respond.

1.12 The Commission has no reason to believe Respondent is now or was in active military service, or a dependent of a person in active military service at the time the Statement of Charges was served.

## **2: CONCLUSIONS OF LAW**

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case. RCW 18.130.040.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed. WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3). Respondent is in default and the Commission may issue a final order based on the evidence presented. RCW 18.130.090(1) and RCW 34.05.440.

2.3 Based upon the Findings of Fact, Respondent has committed unprofessional conduct pursuant to RCW 18.130.180(9).

2.4 Sufficient grounds exist to take disciplinary action against Respondent's credential. RCW 18.130.160 and 18.130.180.

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### 3: ORDER

#### The COMMISSION ORDERS:

3.1 Respondent's credential to practice as a registered nurse in the state of Washington is INDEFINITELY SUSPENDED.

3.2 Respondent shall immediately return all credential to the Commission within ten (10) days of receipt of this Order.

3.3 Respondent may not submit a written petition for reinstatement of credential for at least twenty-four (24) months from the effective date of this Order.

3.4 Upon request for reinstatement of credential, Respondent must provide satisfactory evidence of being clean and sober for at least twenty-four (24) consecutive months immediately preceding any such petition. Evidence of being clean and sober shall include but is not limited to *observed* biological fluid testing, completion of chemical dependency treatment, participation in professional peer support groups and NA/AA, and a recent (within 90 days) chemical dependency evaluation by a commission – approved evaluator. The evaluation shall include:

- A. Respondent's condition or diagnosis;
- B. Conclusions and prognosis;
- C. Recommendations regarding the need for ongoing care and treatment;
- D. Professional opinion regarding Respondent's ability to practice nursing with reasonable skill and safety.

3.5 Respondent shall assume all costs of complying with this Order.

3.6 The effective date of this Order is that date the Adjudicative Service Unit places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

### 4: NOTICE TO PARTIES

This Order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, 45 CFR Part 61, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either Party may file a petition for reconsideration. RCW 34.05.461(3);

34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Service Unit  
PO Box 47879  
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington  
Department of Health  
Nursing Care Quality Assurance Commission  
PO Box 7864  
Olympia WA 98504-7864

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Service Unit has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within thirty (30) days after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the thirty (30) day period will begin to run upon the resolution of that petition. RCW 34.05.470(3).

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The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).

DATED: JUNE 21, 2007.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
NURSING CARE QUALITY ASSURANCE  
COMMISSION

  
HEALTH/LAW JUDGE  
PRESIDING OFFICER

PRESENTED BY:

  
LAWRENCE J. BERG, WSBA#22334  
DEPARTMENT OF HEALTH STAFF ATTORNEY

DATE

JUNE 19, 2007

FOR INTERNAL USE ONLY:

PROGRAM NO. 2007-02-0047RN

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND FINAL ORDER OF DEFAULT (Failure to Respond)  
DOCKET NO. 07-09-A-1072RN

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